

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

Fe

February 26, 1970

9:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle,
Price, Mayor LaRue

Absent: None

The Invocation was given by DR. JOHN BARCLAY.

EQUAL OPPORTUNITY ORDINANCE

Mr. Volma Overton, Chairman of the Employment Committee, Human Relations Commission, Mr. Gus Garcia, Member, Human Relations Commission, Dr. John Barclay, Chairman, Human Relations Commission and Mr. Charles Miles, Executive Director, Human Relations Commission, addressed the Council regarding a proposed equal opportunity ordinance. The ordinance covered two points: (1) to make discrimination in hiring and promoting by the City of Austin illegal and (2) to make discrimination in hiring and promoting by firms or persons doing business with the City of Austin under contract illegal.

There was a general discussion between the Council and representatives of the Human Relations Commission regarding the need for such an ordinance. Mayor LaRue read a Council resolution dated 1967 wherein the Council went on record as supporting equal employment opportunity. It was concluded that the Council needed to study existing Federal, State and local level statutes regarding equal employment opportunity before taking further action. Copies of the Resolution which the Mayor read were to be posted.

ANNEXATION ORDINANCE

Mayor LaRue brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 109.48 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND THE JOHN APPLE-GATE SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 43 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 1.84 ACRE TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 57, LOCALLY KNOWN AS 600-622 EAST POWELL LANE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: 3.388 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, LOCALLY KNOWN AS 1500-1616 STASSNEY LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The ordinance was read the second time and Councilman Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 2.19 ACRE TRACT OF LAND OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, LOCALLY KNOWN AS 5111-5305 WASSON ROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

TAX APPEAL

The Council heard the following Tax Appeal:

RICHARD D. BASS by Harry M. Whittington	Full Value by the Tax Dept. 1968	Full Value by the Tax Dept. 1969	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
901-907 Brazos Lt. 1, Bl. 112, Original City Parcel No. 2-0603-1507	Land \$60,428 Improve- ments <u>471</u> Total \$60,899	\$67,660 <u>471</u>	\$50,750 <u>350</u> \$51,100	Not Signed	\$50,750 <u>350</u> \$51,100

Mr. Jack Klitgaard, Tax Assessor-Collector, stated that the property appraisal had increased by about \$7,000 since it was last appraised eight years ago. The property was appraised on the front foot unit and was treated the same as the adjoining property. The Board of Equalization did not make an adjustment on the property.

Councilman Janes moved the Council sustain the assessed value set by the Board of Equalization as follows:

RICHARD D. BASS by Harry M. Whittington	Assessed Value Fixed by Board	Council Action
901-907 Brazos Lot 1, Block 112, Original City Parcel No. 2-0603-1507	Land \$50,750 Improve- ments <u>350</u> Total \$51,100	\$50,750 <u>350</u> \$51,100

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ORDINANCE ADJUSTING WATER AND SEWER RATES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND SEWER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Janes moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Janes moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the third time and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mrs. John Burkett, representing the League of Women Voters, did not oppose raising the rates, but did request that the water and sewer rebate policy be reviewed.

DISCUSSION OF DATE FOR BOND ELECTION

The City Manager recommended that the bond election be set for March 28, rather than on April 4 simultaneously with the school district election, and

that the City appoint its own judges, assistant judges and clerks. On the advice of the bond attorneys it was felt that holding separate elections would minimize the possibility of having the election contested.

Mr. Arthur Guerrero appeared before the Council requesting to speak to the bond election. He was advised that under the new Open Meetings law he could not be heard since his appearance had not been posted 72 hours prior to the meeting today. The call on the agenda was limited to the date of the bond election and not discussion of the bonds.

Motion

Councilman Janes moved the Council have a special Council meeting at 9:00 A.M. March 3, 1970, for the purpose of establishing an election date. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Motion

Councilman Gage moved the Council as a matter of public necessity hear Mr. Guerrero. The motion died for lack of a second.

Motion

Councilman Janes moved the Council include on all agendas between now and the time that the bond election is held an item relating to discussion of the upcoming bond issue. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Reconsideration of Original Motion

Councilman Gage moved the Council reconsider the motion which called for a meeting at 9:00 A.M., Tuesday, March 3, 1970. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Motion

Councilman Gage moved the Council meet Wednesday, March 4, 1970, at 7:00 P.M. at the Fire Marshall Building for the purpose of establishing a date for call of the bond election and discussion. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

APPOINTMENT OF ELECTION OFFICIALS

The City Manager stated that it would be necessary for the Council to establish at the March 4th meeting, as part of the bond call, the Presiding Judge, Alternate Judge and the number of Clerks, all by name for each precinct, for the upcoming election.

Mr. Elbert Morrow, bond attorney for the City, stated that the Council needed to pass an ordinance whereby the City conformed with County election precincts. The ordinance would define the election precincts and establish the polling places within the precincts. Mr. Glenn Cortez, City Attorney, stated that he would see that the ordinance was prepared. The City Clerk was to provide the names of election officials and workers for each precinct, all of whom would be paid in conformance with amounts paid by other jurisdictions.

NORTHEAST AUSTIN EXCHANGE CLUB CIRCUS

A representative of the Northeast Austin Exchange Club appeared before the Council to discuss the lease granted by the City to hold a circus on City land. The Club's contract with the circus called for a determination of a location by March 1st. Two City department heads had told Club representatives that the area previously requested for the circus was not available, and had suggested that the Club go back to the Council and request another area. Mayor LaRue pointed out that the item was not on the agenda and could not be heard today. The item was to be placed on the agenda for the special meeting of March 4, 1970.

RELEASE OF EASEMENTS

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Enfield "F", a subdivision in the City of Austin, Travis County, Texas, of record in Book 3 at page 194 of the Plat Records of Travis County, Texas, said easement being out of and a part of Lot 12, in said Enfield "F"; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation situated in Travis County, Texas, acting by and through Dan H. Davidson, its Deputy City Manager, hereunto duly authorized, has released and by these presents does hereby release unto the owners the following described portion of said public utility easement, to-wit:

Two (2) strips of land, each of the said two (2) strips of land being five (5.00) feet in width and each being out of and a part of Lot 12, Enfield "F", a subdivision of record in Book 3 at page 194 of the Plat Records of Travis County, Texas, and each of the said two (2) strips of land five (5.00) feet in width are to be released from the public utilities easements provided on said plat of Enfield "F" and each of the two (2) strips of land five (5.00) feet in width are more particularly described as follows:

NUMBER 1, BEING all of the south 20.70 feet of the west five (5.00) feet of said Lot 12, Enfield "F";

NUMBER 2, BEING all of the east 20.50 feet of said Lot 12, Enfield "F".

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for sanitary sewer purposes by map or plat of Western Trails, Section 5, a subdivision in the City of Austin, Travis County, Texas, of record in Book 9 at page 38 of the Plat Records of Travis County, Texas, said easement being out of and a part of Lot 2, Block L, in said Western Trails, Section 5; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, as a municipal corporation situated in Travis County, Texas, acting by and through Dan H. Davidson, its Deputy City Manager, hereunto duly authorized, has released and by these presents does hereby release unto the owners the following described portion of said sanitary sewer easement, to-wit:

14 square feet of land, same being out of and a part of Lot 2, Block L, Western Trails, Section 5, a Subdivision in the City of Austin, Travis County, Texas, of record in Book 9 at page 38 of the Plat Records of Travis County, Texas, which 14 square feet

of land are to be released from the five (5.00) foot sanitary sewer easement provided in a deed dated February 2, 1959, of record in Volume 2008 at page 322 of the Deed Records of Travis County, Texas, and which 14 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the most southerly corner of the herein described tract of land, same being a point in the east line of said existing five (5.00) foot sanitary sewer easement, and from which point of BEGINNING an iron pin at the southwest corner of said Lot 2, Block L, bears S 21° 15' W 72.57 feet and S 76° 14' W 18.32 feet;

THENCE, N 17° 56' W 5.77 feet to the northwest corner of the herein described tract of land;

THENCE, N 72° 04' E 4.70 feet to the northeast corner of the herein described tract of land, same being a point in said east line of the five (5.00) foot sanitary sewer easement;

THENCE, with said east line of the five (5.00) foot sanitary sewer easement, S 21° 15' W 7.44 feet to the point of BEGINNING.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

VACATION OF STREET

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF GLISSMAN ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING ANY AND ALL EASEMENTS IN THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the third time and Councilman Gage moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
 Mayor LaRue
 Noes: None

The Mayor announced that the ordinance had been finally passed.

DELETION OF PARKING METERS

Councilman MacCorkle offered the following resolution and moved its approval:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions in the East 10th Street location, and the street below designated is such that the parking meters now in place should be deleted and removed for orderly flow of traffic at the following locations:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
120	East 10th Street	200	North
120	East 10th Street	200	South

and,

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions in the East 10th Street location below designated is such that an urgent need for enforcement of strict limits upon the time of parking of vehicles at this location upon this street makes it advisable to use mechanical devices in such enforcement, and has found that such locations should be placed in the following Parking Meter Zone:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
120	East 10th Street	200	South

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to mark "DELETED" on the record or records which authorize parking meters at the above East 10th Street location; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the East 10th Street location upon the streets of the City of Austin as above described be and the same are hereby placed in Parking Meter Zone 120, and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 21-57 of the Traffic Register.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

PARKING PROBLEMS

There was discussion among the Council, Mr. Andrews and Mr. Ternus regarding parking problems in the central business area, around the central library, fringes of the central business area between 15th and 19th Streets and around Municipal Airport. Mr. Ternus indicated that a study would be ready perhaps by June on parking within the central business district, the Brackenridge Hospital area and the University area. Recommendations had been made concerning parking meters at the Airport.

LICENSE AGREEMENTS

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a Power Line Crossing Agreement with Southern Pacific Transportation Company, to provide power line crossings over railroad right-of-way at three locations, in accordance with the terms of said Power Line Crossing Agreement; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said Agreement in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a Power Line Crossing Contract with the Missouri-Kansas-Texas Railroad Company, to provide for power lines crossing railroad right-of-way near Katy Bridge No. U-950.6, in accordance with the terms of said Power Line Crossing Contract; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said Contract in the permanent records of hereoffice without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Gage, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a Power Line Crossing Agreement with the Missouri Pacific Railroad Company for the installation of a 42-inch concrete steel cylinder water main beneath railroad tracks in Stassney Lane, east of Manchaca Road, in accordance with the terms of said Power Line Crossing Agreement; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said Agreement in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Price, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

CONTRACT AWARDED

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 18, 1970 for installing 5,721 feet of 30-inch water main in Stassney Lane from South 1st Street to Manchaca Road; and,

WHEREAS, the bid of Odell Geer Construction Company in the sum of \$198,391.20 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of the Water and Waste Water Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Odell Geer Construction Company, in the sum of \$198,391.20 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Odell Geer Construction Company.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

IMPROVEMENTS ON LAKE AUSTIN

Councilman Gage moved the Council approve the following improvements on Lake Austin:

- (1) Mr. W. L. Harbin - retaining wall, Lot 5, Montview Harbor Addition
- (2) Mr. Clifton Turner - boat slip and retaining wall, Lot 52, Rivercrest, Section 2

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

RELOCATION OF TRACKAGE - DOWNTOWN AREA

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a certain contract with Missouri Pacific Railroad Company, Southern Pacific Transportation Company and Missouri-Kansas-Texas Railroad Company, concerning the expenditure of \$60,000.00 in connection with the relocation of certain trackage in the downtown area; and in accordance with the terms and provisions of that certain contract exhibited to the City Council; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said contract in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None

CONTRACTS AWARDED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 18, 1970 for the purchase of four (4) each 500 KVA Distribution Transformers to be used at the Capitol Aggregates Company by the Electric Distribution Division; and,

WHEREAS, the bid of Walter Tips Company in the sum of \$8,756.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Walter Tips Company, in the sum of \$8,756.00 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin be and he is hereby authorized to execute a contract on behalf of the City with Walter Tips Company.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Atkison, Johnson

It was pointed out by Councilman Janes that since four identical bids were received, those bids should be referred to the State Attorney General's office.

There was some discussion among the Council regarding the receipt of identical bids and the awarding of a contract when such bids were received.

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 16, 1970 for the purchase of fifty (50) tons of Sodium Hexametaphosphate to be used by the Water Treatment Division; and,

WHEREAS, the bid of Calgon Corporation in the sum of \$9,810.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Calgon Corporation, in the sum of \$9,810.00 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Calgon Corporation.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

REFUND CONTRACT

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH SOMERSET WEST DEVELOPMENT COMPANY FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the third time and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

MO-PAC RIGHT-OF-WAY ACQUISITIONS

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$11,175.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

See Exhibit A attached.

(Attached Exhibit A - See original exhibit in Resolution Book)

The motion, seconded by Councilman Price, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$5,170.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

See Exhibit A

(Exhibit A - See original exhibit in Resolution Book)

The motion, seconded by Councilman Price, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$7,270.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

See Exhibit A attached

(Attached Exhibit A - See original exhibit in Resolution Book)

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$9,721.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

See Exhibit A attached

(Attached Exhibit A - See original exhibit in Resolution Book)

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ACQUISITION OF PROPERTY - WALLER BEACH PROJECT

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$9,880.00 therefor be accepted, and

that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

See Exhibit A attached.

(Attached Exhibit A - See original exhibit in Resolution Book)

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ENGINEERING SERVICES - CROSSTOWN INTERCEPTOR SEWER

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to enter into a contract on behalf of the City of Austin with Trinity Engineering Testing Corporation, for engineering services in connection with the preparation of Subsurface Investigations on the Proposed Cross-Town Interceptor Sewer Tunnel, Phase II of Feasibility Study by Horner and Shifrin, Inc., in accordance with the terms and provisions of a contract exhibited to the City Council and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk an executed copy of said contract without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Atkison, Johnson

CITIZEN APPEARANCE

Mrs. Ruth Epstein, Chairman, Travis County Democratic Women's Committee, who had requested to appear before the Council to discuss bills and charges issued by the Water and Light Department in regard to the Truth in Lending Regulations, on advice of legal counsel, did not appear at this time.

DELIVERIES IN DOWNTOWN AUSTIN

Councilman MacCorkle asked the City Manager if there could be a better timing for deliveries in the downtown area, and the City Manager stated that he would look into the matter.

EXECUTIVE SESSION

The Council went into Executive Session at 2:15 P.M. to consider appointments to Boards and Commissions.

ADJOURNMENT

The Council then adjourned.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk